



**City of San Antonio Planning and Development  
Services Department**

Cliff Morton Development and Business Services Center  
1901 South Alamo Street  
San Antonio, Texas 78283-3966

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**APPLICATION PACKET FOR REGISTRATION OF  
NON-CONFORMING USE**  
(includes Multi-Tenant Non-Conforming Shopping Center Registration)

Applicable Sections of City Code:

Article VII & Appendix D of the Unified Development Code (UDC)

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SUBMISSION OF THIS APPLICATION AND SUPPORTING DOCUMENTATION DOES NOT IMPLY APPROVAL OF THE USE. A DETERMINATION WILL BE MADE BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND/OR OTHER RESOURCES. FAILURE TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY CITY STAFF MAY RESULT IN THE DELAY OR DENIAL OF THIS APPLICATION.



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### **Application Instructions**

#### **Non-conforming Use (Article VII of the UDC)**

A Non-conforming Use (commonly referred to as *Grandfathered*) is a use/activity that was allowed its location when it was established, but due to changes in the property's status or classification, is no longer allowed by-right. The property owner or applicant must document that a Non-conforming Use was allowed when it was established and has been maintained over time. Evidence might consist of objective documentation, such as: building permits, utility hookups, tax records, business licenses, etc.

The UDC recognizes three basic categories of legal nonconformities; this application is designed to address only one type of nonconformity:

- Non-conforming Uses of land. These are land uses that would not be permitted under current regulations, but which were established before the regulations went into effect.
- Nonconforming structures. These are buildings that were legal at the time they were constructed, but encroach into the current yard setbacks or exceed the current height or area limitations, for example.
- Nonconforming lots of record. These lots were legal when they were subdivided but do not meet the current requirements for width, depth, access, or other requirements.

A Non-conforming Use may not be expanded or extended to other areas of the property.

#### **Development Preservation Rights (DPR) (Appendix D of the UDC)**

DPR is a special type of non-conforming use unique to the City of San Antonio. DPR applies to a use that was legally existing but lost its conforming status upon the zoning district conversion at the time of the adoption of the UDC and has not been discontinued for a period of one year since. Non-conforming uses registered as DPR may expand and may rebuild if damages beyond 50%.

#### **Standards Affecting Non-conforming Uses**

The following standards apply to all Non-conforming Use situations:

1. Their status is not affected by changes in ownership.
2. They may be changed to conforming uses, however once changed to a conforming use, the nonconforming rights are lost and a Non-conforming Use may not be re-established.
3. Normal maintenance and repair is allowed 50% of the appraised value of the property.
4. A Non-conforming Use will be considered terminated if the building, structure, or land is not occupied by a permitted or legally Non-conforming Use for one continuous year.
5. Nonconformance with any development standard or condition other than building setback, coverage, or height will be considered terminated if the building, structure, or land is not occupied by a permitted or legally Non-conforming Use for one continuous year.
6. Any Non-conforming Use dependent upon a building that has been declared dangerous and ordered demolished pursuant to the City of San Antonio Building Code will be considered terminated upon that declaration and order.
7. Any Non-conforming Use dependent upon a building or structure that has been damaged to the extent that repair or restoration would cost more than 50% percent of its fair market value will be considered terminated. A building official of the City of San Antonio will determine the cost of repair or restoration. Fair market value will be determined by an independent appraisal acceptable to the City.
8. Rebuilding of structures which contained Non-conforming Uses and which have been intentionally destroyed is prohibited.
9. Filing of false registration application will result in the termination of a non-conforming use.

## **Required Fees**

The required registration fee is \$75.00 and is not refundable.

## **Required Items for Filing**

In order to file the attached application with the Zoning Section, please read it carefully and provide the necessary documentation and notarized signatures. For your convenience, we offer notary services at the Land Development counter. Submittal of as many of the recommended supporting items on the first page of the application would assist staff in deeming your application complete. Additionally, every applicant must submit a plot plan of the subject property. Plot plans must be legible and drawn to scale to clearly illustrate the components of the project. Please keep in mind that Staff is not familiar with the property and need this information to accurately evaluate your project. If the plans are not legible, or do not contain the information listed below, your application may not be deemed complete. We **do not** accept drawings or materials that are larger than approximately 11 inches x 17 inches. Applicants should make every attempt to include the following in the plot plan:

- One (1) copy of a plot plan including the following:
  - a. A north arrow and scale.
  - b. The boundaries of the property, with all dimensions, and square footage of the lot.
  - c. The location and dimensions of all existing and proposed buildings, structures, including all property lines and setbacks.
  - e. Walls, fences, walkways (including sidewalks) and off-street parking areas or garages, and their measurements from all property lines.
  - d. Parking lot layout and circulation showing dimensions of parking spaces and driving isles, if applicable.
  - l. Sidewalks.

You may also submit any other drawings, photographs or information that may be requested or that the applicant may wish to submit in support of this case.

## **Multi-Tenant Shopping Centers**

The owner of a multi-tenant shopping center (commonly referred to as Retail Strip Centers) may apply to register the retail center as nonconforming, to include uses that were allowed under previous zoning codes. Existing shopping centers qualify for registration of all land uses that are not allowed by-right as a result of the adoption of the Unified Development Code on February 4, 2002. This results in the ability of a tenant to be eligible for a Certificate of Occupancy for uses that were permitted under the 1938 and 1965 zoning districts.



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Website: [www.sanantonio.gov/dsd/](http://www.sanantonio.gov/dsd/)

### Official Use Only

HANSEN # \_\_\_\_\_  
Case # \_\_\_\_\_  
Planner \_\_\_\_\_

## APPLICATION FOR REGISTRATION OF A NON-CONFORMING USE

(PLEASE PRINT BELOW AND CHECK BOX THAT APPLIES)

☐ New Application      ☐ Recertification      ☐ Multi-Tenant Shopping Center

SUBMISSION OF THIS APPLICATION AND SUPPORTING DOCUMENTATION DOES NOT IMPLY APPROVAL OF THE USE. A DETERMINATION WILL BE MADE BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND/OR OTHER RESOURCES. FAILURE TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY CITY STAFF MAY RESULT IN THE DELAY OR DENIAL OF THIS APPLICATION

Applicant	Name		
	Mailing Address	City/State	Zip Code
	Day-time Phone Number		
	E-mail Address		
Site Information (Main Suite Address for Multi-Tenant Shopping Cen-	Name		
	Street Address and Zip Code		Legal Description
	Date Land Use Commenced	Current Zoning	Acreage
	Describe the cause for your application, including the following (feel free to attach additional pages): <ul style="list-style-type: none"><li>• Provide the date the land use(s) began and where they occur on the property.</li><li>• Provide the date(s) that the structure(s) were built.</li><li>• Additional information for consideration in relation to your request.</li></ul>		

It is the applicant's responsibility to submit objective evidence of the lawful existence and continued use of the activity or structure by providing the following types of information, including, but not limited to, documentation of the date that the use/activity commenced and evidence of continuous operation for each successive year:

Certificates of Occupancy/Previous Non-Conforming Registrations  
Plats/Plans/Surveys  
County Appraisal Data  
Letters or bills from utility companies  
Lease agreements containing descriptions of the property uses  
Sketch or plan indicating area occupied by structure and/or use  
Sworn affidavits from persons with knowledge of the use

Deeds applicable to the property  
Billing and/or land use permits  
TABC Records  
Dated photographs  
License(s)  
Bills  
Invoices and/or Customer Receipts

**Note:** Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to land uses, density, minimum setbacks, or size and heights of structures. These covenants and restrictions do not constitute a criterion for a City land use decision, as the City cannot enforce said restrictions. It is the responsibility of the applicant to investigate private covenants or restrictions.

## **DECLARATIONS**

I hereby apply for registration of a Non-conforming Use as requested on this application and certify that the submitted information and attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Non-conforming Use registration process of the City of San Antonio. All of the statements and representations contained in the attached documents filed in support of this application shall be deemed a permanent part of the application for all purposes.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Sworn to and subscribed before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

### **Property Owner(s)**

Name (print or type) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ E-mail \_\_\_\_\_

### **Authorized Agent or Representative** (*Authorized agents must submit evidence of their authority to act on the property owner's behalf*)

Name (print or type) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ E-mail \_\_\_\_\_

### **Official Use Only**

#### **Staff Decision**

- ☐ Registered  
☐ Not Registered

#### **Registration Type**

- ☐ Development Preservation Rights  
☐ Non-conforming Use

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Annexed: \_\_\_\_\_

Zoning History: \_\_\_\_\_

Previous Registration(s): \_\_\_\_\_

Staff Findings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_